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01933 7590 03/08/2004
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

YU, MISOOK

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 03/08/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,662	02/09/2000	Nobufusa Serizawa	980126CIP/HG	1554

TITLE OF INVENTION: ANTI-FAS ANTIBODIES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	06/08/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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01933 7590 03/08/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1330	\$0	\$1330	06/08/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
YU, MISOOK	1642	530-388150

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
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- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 03/08/2004

Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/499,662

Examiner

MISOOK YU, Ph.D.

Applicant(s)

SERIZAWA ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/27/2003.
2. ☒ The allowed claim(s) is/are 7, 14, 16, 18, 26-29, 62-78, 88-90, 107 and 120-126.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received (*Note Paper No. 18*)
2. ☒ Certified copies of the priority documents have been received in Application No. 09/053,583.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment *LCB*
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

[Signature]
LARRY R. HELMS, PH.D.
PRIMARY EXAMINER

Misook Yu, 3/4/2004

Art Unit: 1642

EXAMINER'S AMENDMENT

#30

AMDT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Barth on March 2, 2004.

The application has been amended as follows:

See attached **Amendments to the Claims** (total 13 pages).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU, Ph.D. whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne C Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

C

Art Unit: 1642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MISOOK YU, Ph.D.
Examiner
Art Unit 1642

C

Appl. No. 09/499,662

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

[Claims 1 to 6. (canceled)]

1
Claim ~~7~~. (original) An antibody produced by the hybridoma HFE7A having the accession number FERM BP-5828.

[Claims 8 to 13. (canceled)]

C
2
Claim ~~14~~. (currently amended) ~~A molecule~~ An antibody comprising a light polypeptide chain and a heavy polypeptide chain, the heavy chain having the following formula (I):

-FRH₁-CDRH₁-FRH₂-CDRH₂-FRH₃-CDRH₃-FRH₄- (I)

wherein FRH₁ represents an amino acid sequence having 18 to 30 amino acids, CDRH₁ represents the sequence of SEQ ID NO: 2, FRH₂ represents an amino acid sequence having 14 amino acids, CDRH₂ represents the sequence of SEQ ID NO: 3, FRH₃ represents an amino acid sequence having 32 amino acids,

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CDRH, represents the sequence of SEQ ID NO: 4, FRH, represents an amino acid sequence having 11 amino acids,
~~and each amino acid binds to another amino acid via a peptide bond [[,]]~~

the light chain having the following formula (II):

-FRL₁-CDRL₁-FRL₁-CDRL₁-FRL₁-CDRL₁-FRL₁- (II)

wherein FRL₁ represents an amino acid sequence having 23 amino acids, CDRL₁ represents the sequence of SEQ ID NO: 5, FRL₁ represents an amino acid sequence having 15 amino acids, CDRL₁ represents the sequence of SEQ ID NO: 6, FRL₁ represents an amino acid sequence having 32 amino acids, CDRL₁ represents the sequence of SEQ ID NO: 7, FRL₁ represents an amino acid sequence having 10 amino acids,
~~and each amino acid binds to another amino acid via a peptide bond~~ wherein said antibody binds Fas.

[Claim 15. (canceled)]

³
Claim ~~15~~¹⁶. (currently amended) The antibody of claim ~~[[15]]~~¹⁴,
which is humanized.

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[Claim 17. (canceled)

Claim ⁴~~18~~. (currently amended) The antibody of claim ¹~~7~~ or claim ~~15~~, which is humanized.

[Claims 19 to 25. (canceled)

Claim ⁵~~26~~. (currently amended) An isolated molecule antibody that comprises a light chain polypeptide protein selected from the group consisting of (i) the amino acid sequence 1 to 218 of SEQ ID NO: 50, (ii) the amino acid sequence 1 to 218 of SEQ ID NO: 52, (iii) the amino acid sequence 1 to 218 of SEQ ID NO: 54, (iv) the amino acid sequence 1 to 218 of SEQ ID NO: 107 and (v) the amino acid sequence 1 to 218 of SEQ ID NO: 109, wherein said antibody binds Fas.

Claim ⁶~~27~~. (currently amended) An isolated molecule antibody that comprises a heavy chain polypeptide protein selected from the group consisting of (i) the amino acid sequence 1 to 451 of SEQ

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ID NO: 89 and (ii) the amino acid sequence 1 to 451 of SEQ ID NO: 117, wherein said antibody binds Fas.

⁷
Claim ~~28~~. (currently amended) An isolated molecule antibody that comprises a light chain polypeptide protein having the amino acid sequence 1 to 218 of SEQ ID NO: 50, and a heavy chain polypeptide protein having the amino acid sequence 1 to 451 of SEQ ID NO: 89, wherein said antibody binds Fas.

⁸
Claim ~~29~~. (currently amended) An isolated molecule antibody that comprises a light chain polypeptide protein having the amino acid sequence 1 to 218 of SEQ ID NO: 107, and a heavy chain polypeptide protein having the amino acid sequence 1 to 451 of SEQ ID NO: 117, wherein said antibody binds Fas.

[Claims 30 to 61. (canceled)]

⁹
Claim ~~62~~. (currently amended) An isolated antibody molecule comprising one or more heavy chain subunits having an amino acid sequence selected from the group consisting of:

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the amino acid sequence 1 to 451 of SEQ ID NO: 143;
the amino acid sequence 1 to 451 of SEQ ID NO: 145;
the amino acid sequence 1 to 451 of SEQ ID NO: 147; and
the amino acid sequence 1 to 451 of SEQ ID NO: 157
, wherein said antibody binds Fas.

¹⁰
Claim ~~63~~. (currently amended) The isolated antibody of claim ⁹~~62~~ which
has one or more light chain subunits having an amino acid sequence
selected from the group consisting of:

the amino acid sequence 1 to 218 of SEQ ID NO: 107;
the amino acid sequence 1 to 218 of SEQ ID NO: 127;
the amino acid sequence 1 to 218 of SEQ ID NO: 129; and
the amino acid sequence 1 to 218 of SEQ ID NO: 131.
, wherein said antibody binds Fas.

¹¹
Claim ~~64~~. (original)

⁹
The antibody of claim ~~62~~, wherein the heavy chain consists
essentially of the amino acid sequence 1 to 451 of SEQ ID NO:
157.

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12
Claim ~~63~~. (original)

11
The antibody of claim ~~64~~, wherein the light chain consists essentially of the amino acid sequence 1 to 218 of SEQ ID NO: 107.

13
Claim ~~65~~. (original)

9
The antibody of claim ~~62~~, which consists essentially of two heavy chains and two light chains.

14
Claim ~~67~~. (original)

9
The antibody of claim ~~62~~, which consists of two heavy chains and two light chains, said heavy chains each consisting essentially of the amino acid sequence 1 to 451 of SEQ ID NO: 157, and said light chains each consisting essentially of the amino acid sequence 1 to 218 of SEQ ID NO: 107.

15
Claim ~~68~~. (currently amended) An isolated antibody molecule, wherein one or more light chain subunits have an amino acid sequence selected from the group consisting of:

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the amino acid sequence 1 to 218 of SEQ ID NO: 127;
the amino acid sequence 1 to 218 of SEQ ID NO: 129; and
the amino acid sequence 1 to 218 of SEQ ID NO: 131, and one or
more heavy chain subunits having an amino acid sequence selected
from the group consisting of:

the amino acid sequence 1 to 451 of SEQ ID NO: 143;
the amino acid sequence 1 to 451 of SEQ ID NO: 145; and
the amino acid sequence 1 to 451 of SEQ ID NO: 147.

wherein said antibody binds Fas.

¹⁶
Claim ~~69~~. (original)

¹⁵
The antibody of claim ~~69~~, wherein said light chain subunits
have the amino acid sequence 1 to 218 of SEQ ID NO: 127, and one
or more heavy chain subunits have the amino acid sequence 1 to
451 of SEQ ID NO: 143.

¹⁷
Claim ~~70~~. (original)

¹⁵
The antibody of claim ~~69~~, wherein said light chain subunits
have the amino acid sequence 1 to 218 of SEQ ID NO: 127, and one
or more heavy chain subunits have the amino acid sequence 1 to
451 of SEQ ID NO: 145.

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¹⁸
Claim ~~71~~. (original) ¹⁵

The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 127, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 147.

¹⁹
Claim ~~72~~. (original) ¹⁵

The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 129, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 143.

²⁰
Claim ~~73~~. (original) ¹⁵

The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 129, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 145.

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²¹
Claim ~~74~~. (original)

¹⁵
The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 129, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 147.

²²
Claim ~~75~~. (original)

¹⁵
The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 131, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 143.

²³
Claim ~~76~~. (original)

¹⁵
The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 131, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 145.

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²⁴
Claim ~~77~~. (original) ¹⁵

The antibody of claim ~~68~~, wherein said light chain subunits have the amino acid sequence 1 to 218 of SEQ ID NO: 131, and one or more heavy chain subunits have the amino acid sequence 1 to 451 of SEQ ID NO: 147.

²⁵
Claim ~~78~~. (original) ¹⁵

The antibody of claim ~~68~~, which consists essentially of two heavy chains and two light chains.

[Claims 79 to 87. (canceled)]

²⁶
Claim ~~88~~. (original) ⁹

The antibody of claim ~~62~~ that binds a peptide comprising the amino acid sequence of SEQ ID NO: 1.

²⁷
Claim ~~89~~. (original) ¹⁴

The antibody of claim ~~67~~ that binds a peptide comprising the amino acid sequence of SEQ ID NO: 1.

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Claim ²⁸90. (original)

The antibody of claim ¹⁵98 that binds a peptide comprising the amino acid sequence of SEQ ID NO: 1.

[Claims 91 to 106. (canceled)]

Claim ²⁹107. (currently amended) [[A]] An isolated Fas-specific antibody comprising a first polypeptide protein having an amino acid sequence 1 to 218 of SEQ ID NO: 127, the amino acid sequence 1 to 218 of SEQ ID NO: 129 and the amino acid sequence 1 to 218 of SEQ ID NO: 131, together with a second polypeptide protein having an amino acid sequence selected from the group consisting of the amino acid sequence 1 to 451 of SEQ ID NO: 143, the amino acid sequence 1 to 451 of SEQ ID NO: 145 and the amino acid sequence 1 to 451 of SEQ ID NO: 147 ~~[[,]] said first polypeptide protein and said second polypeptide protein constituting a Fas-specific antibody.~~

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[Claims 108 to 119. (canceled)

30
5/ Claim 120. (currently amended) The isolated molecule antibody of claim 26, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID No: 50.

31
5/ Claim 121. (currently amended) The isolated molecule antibody of claim 26, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 52.

32
5/ Claim 122. (currently amended) The isolated molecule antibody of claim 26, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 54.

33
5/ Claim 123. (currently amended) The isolated molecule antibody of claim 26, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 107.

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34
5 Claim ~~124~~. (currently amended) The isolated molecule antibody of claim ~~26~~, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 109.

35
6 Claim ~~125~~. (currently amended) The isolated molecule antibody of claim ~~27~~, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 89.

36
6 Claim ~~126~~. (currently amended) The isolated molecule antibody of claim ~~27~~, wherein said protein comprises the amino acid sequence 1 to 218 of SEQ ID NO: 117.
